

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD**

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
DAVID C. NUNN.	:	
RESPONDENT.	:	LS08120422REB

Division of Enforcement Case File No. 05 REB 147

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

David C. Nunn
6640 Lyndale Avenue South
Richfield, Minnesota 55423

Real Estate Board
Post Office Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. David C. Nunn (Date of Birth of March 6, 1973) is duly licensed to practice as a Real Estate Salesperson in the state of Wisconsin (license #94-58501). This license was first granted on November 12, 2003, and is current until December 14, 2008. Mr. Nunn's most recent address known to the Department of Regulation and Licensing (hereinafter "Department") is 1508 East 86th Street, Number 240, Indianapolis, Indiana 46240. The Department has learned that Mr. Nunn's current address is 6640 Lyndale Avenue South, Richfield, Minnesota 55423

2. From January 1, 2005, through June 28, 2005, Mr. Nunn's Real Estate Salesperson license was in Expired status with the Department.

3. During the time that his Real Estate Salesperson license was in expired status Mr. Nunn practiced real estate in the state of Wisconsin.

4. From November 11, 2003, through to the present, Mr. Nunn has been employed as a Real Estate Salesperson and Business Representative with Pathways Real Estate & Financial Services, Inc. (Pathways). Mr. Nunn is also

an officer of the corporation of Pathways. Pathways Wisconsin Real Estate Business Entity license was in Expired status with the Department from January 1, 2005, through June 28, 2005. The last address Pathways reported to the Department is 6640 Lyndale Avenue South, Richfield, Minnesota 55423.

5. Mr. Nunn practiced real estate in the state of Wisconsin an employee of Pathways during the time that Pathways Real Estate Business Entity license was in Expired status.

6. In resolution of this matter, David C. Nunn consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction over this matter, pursuant to Wis. Stat. Sec. 440.20.

2. The Wisconsin Real Estate Board is authorized to enter into the attached stipulation, pursuant to Wis. Stat. Sec. 227.44(5).

3. By the practicing real estate while his Real Estate Salesperson license was Expired as identified in Findings of Fact 2. and 3, David C. Nunn has violated Wis. Stat. Sec. 452.03: No person may engage in or follow the business or occupation of, or advertise or hold himself or herself out as, or act temporarily or otherwise as a broker or salesperson without a license.

4. By the practicing real estate while his Real Estate Salesperson was Expired as identified in Findings of Fact 2. and 3., David C. Nunn has violated Wis. Stat. Sec. 452.12(5)(b): If an application for renewal is not filed with the department on or before the renewal date, the applicant may not engage in any of the activities covered by the license until the license is renewed or a new license issued.

5. By practicing real estate while his Real Estate Salesperson license was Expired and by practicing real estate while Pathways Real Estate Business Entity license was Expired as identified in Findings of Fact 2., 3., 4., and 5., David C. Nunn has demonstrated incompetency to act as a real estate salesperson. Wis. Stat. Sec. 452.14(3)(i) states that the Board may revoke, suspend, or limit any broker's, salesperson's or time-share salesperson license or registration, or reprimand the holder of the license or registration, if it finds that the holder of the license or registration has:

(i) Demonstrated incompetency to act as a broker, salesperson or time-share salesperson in a manner which safeguards the interests of the public.

6. Wis. Stat. Sec. 452.14(3)(l) states that the Board may revoke, suspend, or limit any broker's, salesperson's or time-share salesperson license or registration, or reprimand the holder of the license or registration, if it finds that the holder of the license or registration has:

(l) Violated any provision of this chapter.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Real Estate Salesperson's license of David C. Nunn (#94-58501) shall be **REPRIMANDED**.

IT IS FURTHER ORDERED that David C. Nunn shall pay a forfeiture of FIVE HUNDRED dollars (\$500.00) and partial costs of the investigation and prosecution of this matter, in the amount of TWO HUNDRED FIFTY dollars (\$250.00).

Payment shall be made within 120 days of the effective date of this Order by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement

Department of Regulation and Licensing
1400 East Washington Avenue
Post Office Box 8935
Madison, Wisconsin 53708-8935
Telephone (608) 261-7904
Fax (608) 267-3817

In the event that David C. Nunn fails to timely submit any payment of the forfeiture and costs as set forth above, the Real Estate Salesperson License of David C. Nunn (#94-58501) **SHALL BE SUSPENDED**, without further notice or hearing until David C. Nunn has complied with the terms of this Order.

This Order shall become effective upon the date of its signing and shall be closed as to the Respondent. David C. Nunn.

WISCONSIN REAL ESTATE BOARD

By: Peter Sveum, Board Chair 12/4/08